

## **REMARKS**

Claims 1-36 are now pending in the application. Claims 1-7, 11-15, 19-23, 27-31, and 35-36 stand rejected. Claims 1, 11, 19, 27, and 35 are amended. Support for the amendments can be found in the originally filed specification at paragraphs [0038] and [0041]. The Examiner states that claims 8-10, 16-18, 24-26, and 32-34 are allowable. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

The Examiner remarks that Applicants claimed invention operates on an audio stream while it is in a decompressed state as taught by Araki, and that the perceptual model used by Araki to compress the audio data stream can be considered to be an "heuristic model." The Examiner requires that Applicants clearly define the heuristic model in the claim language, and clearly point out how the heuristic model is different from the perceptual model of Araki.

While disagreeing with the Examiner, Applicants have nevertheless complied with the Examiner's requirement in relation to the claim language. In particular, each of the rejected independent claims has been amended to recite, "using the heuristic model includes selecting audio data packet indices having magnitudes above a predetermined threshold and modifying a plurality of the indices by a predetermined value, thereby affecting perceptual control when an original perceptual model employed to compress the compressed audio stream is not available." Support for the amendments can be found in the originally filed specification at paragraphs [0038] and [0041]. Therefore, the heuristic model is clearly defined in the claim language, and Applicants have clearly pointed out how the heuristic model is different from the perceptual model.

Accordingly, Applicants respectfully request that the Examiner allow claims 1-7, 11-15, 19-23, 27-31, and 35-36.

**ALLOWABLE SUBJECT MATTER**

The Examiner states that claims 8-10, 16-18, 24-26, and 32-34 are allowable.

**CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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